

Cork-based doctor who asked teenage patient out for coffee bids to halt disciplinary process.

Breaking News

22nd June 2022

<https://www.breakingnews.ie/ireland/cork-based-doctor-who-asked-teenage-patient-out-for-coffee-bids-to-halt-disciplinary-process-1323630.html>

A doctor has asked the High Court for an injunction preventing the HSE from re-commencing an internal inquiry into a complaint that he telephoned and asked a 16-year-old female patient "out for coffee". The action has been taken by Dr Ali Gul, who is a non-consultant doctor based in Cork, who has worked in the South South/West Hospital Group branch of the HSE. The court heard that while he admitted asking the patient at Cork University Hospital out for coffee and for her phone number, he did not know her age, believed her to be an adult, and has apologised for his actions.

HSE investigation

The HSE commenced an investigation into the Dr Gul's actions arising out of an interaction that occurred between him and the patient at an outpatient clinic at Cork University Hospital Cork (CUH) 2018. Arising out of that process the HSE decided in 2020 to dismiss him.

The committee hearing his appeal found that the sanction imposed on Dr Gul was "procedurally flawed." Earlier this year he successfully overturned that decision following an appeal. He was initially put on restrictive duties for over two years, and from October 2020 he was out of work with pay. Those measures damaged his career, he has claimed.

Reconvening disciplinary process

After he sought a date when he could return to work, he was informed that the HSE intended to reconvene the disciplinary process in respect of the complaint against Dr Gul. He was informed that the HSE would undertake a full assessment of his work history to determine what sanction to impose. He was also informed that if he did not attend a disciplinary meeting due to be held later this month it could result in his dismissal. He further claims that the HSE is not entitled to conduct a further disciplinary hearing.

He also claims that the HSE's decision to re-open the investigation and conduct a disciplinary hearing later this month lacks fair procedures, is flawed, could cause him reputational injury and should be set aside by the court. He seeks an injunction preventing the HSE from proceeding with the disciplinary process arising out of the 2018 complaint. That order would be put in place pending the full hearing of the dispute by the court.

In his action against the HSE he also seeks an order requiring the HSE to allow him to return to work and damages.

The court heard that in 2018 the doctor carried out an assessment of a female patient who attended an outpatient clinic at CUH. In a sworn statement to the court the doctor said before she left the clinic he spoke to her about her interests, asked her for her phone number and suggested that they meet for a coffee sometime. He said that later that day he rang her three times, but they did not speak as she hung up.

The following day a complaint was made about Dr Gul's actions by the patient's father, who informed CUH that she was 16 years of age. Dr Gul, a native of Pakistan who has been living and working in Ireland since 2011, said that he did not know the female patient's age until after her father made the complaint. She had attended the clinic by herself, and he believed that she was an adult.

He said that he co-operated with the initial investigation process conducted by the HSE and has provided the investigators with a full account of what occurred and apologised for what happened. The injunction application came before Mr Justice Brian O'Moore on Wednesday, who after remarking that the case was "unusual", granted Dr Gul's lawyers permission to serve short notice of the proceedings on the HSE. The matter will return before the court later this month. **If you have been affected by any of the issues raised in this article, you can contact Dignity4Patients, whose helpline is open Monday to Thursday 10am to 4pm.**